

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Katherine Dillaber, et al., v. Islamic Republic of Iran, et al. 18-cv-03162 (GDB)(SN)

DECLARATION OF KATHERINE DILLABER

I, Katherine Dillaber, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today.

Attached as **Exhibit A** to this Declaration is a true and correct copy of my proof of citizenship.

3. I was employed at the Pentagon from 1977 until October 2010.

4. On September 11, 2001, I was employed as a civilian program analyst with the Department of the Army, Directorate of Plans Resources. At the moment the terrorist attack occurred, I was in the hallway outside my office, which was located in the Pentagon on the second floor, fourth corridor, C-ring.

5. My sister Patricia (Patty) Mickley also worked in the Pentagon. She was a civilian employee of the Defense Intelligence Agency (DIA). Her office was on the first floor, fifth corridor, C-ring, very close to mine.

6. Patty and I felt fortunate that we were able to work in the same place, as it afforded us the opportunity to see each other on a near-daily basis. We were very close.

7. At approximately 9:15 am on September 11, 2001, I met Patty for coffee in the center court. We had heard about the attacks in New York City and we both felt uneasy. We chatted for a few minutes before returning to our respective offices.

8. I stopped briefly at my desk to retrieve some documents that I needed to take to my boss's office in the B-ring. Shortly after departing my office with the documents, I realized I'd left my purse behind, so I turned back to retrieve it.

9. I was almost back to my office when a blast threw me to the ground. I was in the 4th corridor near the C-ring, approaching from the D-ring. Debris and smoke billowed toward me. I immediately knew that my leg was injured but I was able to stand up and lean against the wall for support. People rushed past me. All I could think was that I needed to get my purse and go find Patty. I tried to walk into my office, but a sergeant grabbed me and turned me around.

10. We followed the crowds moving toward the center of the Pentagon. The heavy secured doors to the C-ring had been blown off their hinges by the blast. I walked through the C-ring doorway and immediately smelled the jet fuel. We later learned that the plane's fuel tank had exploded in our wedge of the building, but at the time no one knew what happened or where to go. Debris and dust was everywhere. It was chaos.

11. We continued moving toward the entrance to the B-ring. Once there, we encountered a large crowd and realized that our route was blocked by heavy-duty emergency fire doors that were designed to stop the spread of fire between the rings. Until this point I had been in a state of shock and confusion. Now, realizing we were trapped and that the air was getting thicker with smoke and jet fuel, those feelings gave way to panic.

12. Finally, some men in the crowd managed to pry open the fire doors and push through the jammed door on the other side, allowing us to evacuate to the A-ring, and then out in the center court.

13. Once we were outside, I could see the black smoke billowing up from my office area. I frantically searched the crowds for Patty's red dress. I was desperate to get out of the center court, which felt too exposed, but the security teams held us back for what felt like a very long time.

14. Finally the crowds received clearance to exit through one of the corridor drives to the outer periphery of the building. We heard rumors in the crowd that another plane was coming. I limped as quickly as I could out to the south parking lot, and from there I followed the crowds under a highway bridge to Crystal City. My eyes never stopped searching for Patty.

15. I found a payphone and called my parents to tell them I was okay. I let them know that I had seen Patty shortly before the attack and that I was looking for her. We prayed for her safety.

16. I hung up and rejoined the crowds that were moving further away from the Pentagon. The glass high rises and gas stations in the area were making me incredibly nervous. I was so thirsty from inhaling jet fuel and exerting myself. My anxiety about Patty's whereabouts was getting more intense by the minute. I was desperate to get home in case Patty called my house.

17. I continued moving with the crowds down Route 1 towards Alexandria, Virginia. The traffic along Route 1 was at a dead stop. Everyone had their radios on. You could hear people asking each other what had happened at the Pentagon. Everyone was anxious for news. We still did not know that a plane had hit the building.

18. As we crossed the old Monroe Avenue Bridge, there were lots of law enforcement officers with large guns who began directing us toward the Braddock Road Metro station. I was

fearful that the trains might be a target, or that I could be trapped in a train car if there was another attack, but their assurances that the metro was not a target made me feel slightly better. I anxiously boarded a train and rode the rest of the way home.

19. Once I was home, I immediately called Patty's house. Then I began calling the hospitals. My clothes reeked of smoke and jet fuel so I tore them off and threw them out on the balcony. It would be weeks before the taste of jet fuel left my mouth.

20. My parents came over and we drove together to Patty's house to wait for news. I was panicking at this point, but I needed to remain calm for my elderly parents and Patty's five-year-old daughter Marie.

21. I stayed at Patty's house all night, waiting for news. For the first time since the attack, I saw television footage of the Pentagon burning. I cried. I could not believe I had left my sister there.

22. The Pentagon was open for business the next day. My office was destroyed in the attack but I went back anyway to search for Patty. I rode the metro to the Pentagon station, which was eerily quiet compared to the usual rush hour crowds. Uniformed guards with large rifles were stationed everywhere, checking IDs and directing people away from the Pentagon building. I told several guards that I was looking for information about my sister. Eventually I was directed to a staging area for the search and rescue teams. Someone there told me to have a seat and get some lunch, and that they would find someone for me to talk to. I did not want to have a seat or eat lunch, I just wanted to find my sister. Earlier I'd heard that there was a temporary morgue set up in the center court of the Pentagon. I wanted to go there to prove that Patty wasn't there, but everyone kept telling me to wait and that they would get someone to help me. I finally relented and ate lunch. As I was eating, someone told me that the chaplain was coming.

23. I did not want to see the chaplain. That was not the contact I was searching for, and I was scared that if the chaplain was coming, he was coming with bad news. Instead he just wanted to pray with us and to bring us to the nearby Sheraton, where a family support center was being organized.

24. I was introduced to the woman in charge. She and her staff were still setting up. They asked how they could help and I told them I couldn't find my sister. No one there had seen Patty.

25. A temporary workspace was set up offsite for my team. I worked at the offsite office for the next 8 days. I also returned to the family support center at the Sheraton every day looking for news of Patty. Attached as **Exhibit B** to this Declaration is a true and correct copy of a letter from Meg Falk, Director of the Office of Family Policy, Office of the Secretary of Defense.

26. At Meg Falk's urging, I began attending meetings of the group that would become the Pentagon Memorial Fund (PMF). In those early days, the group consisted of people who had a missing or killed family member. I was hesitant at first because even though I had a missing family member, I was also a survivor. One of the other attendees asked me why I managed to get out of the building but their loved one didn't. The comment stung, but I knew they were grieving so I was not angry. From then on, I would identify myself only as a family member of a deceased victim, and not as a surviving victim.

27. As I waited hopefully for news of Patty, I learned that twenty-four (24) of my colleagues were killed in the attack. I learned that all that remained of my desk area at the Pentagon was a piece of my chair and some documents in a file drawer.

28. When I wasn't working or at the support center, I was with my parents and niece. I wanted to be with them around the clock, but I couldn't afford to exhaust my leave. I thought I might need to take time off to care for Patty when she came home.

29. On September 18, 2001, we received the devastating news that Patty's remains had been identified. The hope that had sustained us for the past week was replaced by tremendous sadness and exhaustion, but there was no time for those feelings. In addition to spending time with family, there were practical logistics that needed my attention. There was paperwork to deal with and phone calls to make. Because my purse was destroyed in the fire, I had to get a new driver's license and apply for new credit cards. My contact lenses were torn in the blast so they had to be replaced. In the middle of all of this, my car broke down and I spent a day sitting in an auto repair shop. I was exhausted from trying to stay strong for Patty's daughter, Marie, and for my siblings' young daughters. Patty had been a second mother to them. However, the hardest activity – by far – was planning my sister's funeral.

30. Through everything that was going on during those days, my leg ached but I felt I had no time to deal with it. I was on my feet all day, every day, trying to take care of everything that needed my attention.

31. Someone at the funeral commented that my leg didn't look good. It was terribly painful and bruised. At my family's urging, I went to see Marc Gallini, M.D., my primary care physician, the next day on October 15, 2001. The doctor took note of the veins in my lower leg, which were hard, inflamed, and tender. I was diagnosed with phlebitis of the right leg. I was sent for continuous blood work and follow up visits, as the swelling and pain continued.

32. In October 2002, I underwent ligation surgery on my right leg. No blockage was discovered but my medical providers believed that my circulation problems may have been caused by inflammation as a result of the leg injury I sustained in the attacks.

33. Around that time, my platelet count began to increase, and continued rising over the next year or so. In 2004 I was diagnosed with thrombocytosis gradually progressive, a rare disorder

that causes the body to produce too many platelets. My hematologist believed the condition could have been caused by inhaling jet fuel. My primary care physician believed that the thrombocytosis may have aggravated the leg injury I sustained on September 11th, 2001. I am currently under the care of a vascular and interventional radiologist. This condition will require monitoring and medication for the rest of my life. Attached as **Exhibit C** to this Declaration is a true and correct copy of the transcript of a deposition given by Dr. Marc Gallini.

34. In the immediate aftermath of the attacks, my eyes burned and itched, likely due to my prolonged exposure to jet fuel and smoke. Over the following years I began to experience fluctuating vision loss in my right eye.

35. After the attack, work requirements multiplied. The mission continued and there was no time to properly grieve. My team worked offsite through the end of 2001, but I returned to the Pentagon frequently for meetings. Each time I returned to the area where my sister and colleagues were killed, I smelled the jet fuel.

36. In January 2002, my team moved back into the Pentagon. We were in a new office space, as ours had been destroyed in the attacks. A slew of problems in the new office made our transition back to the Pentagon very frustrating and chaotic. There was a severe air circulation issue that eventually had to be reported to the Surgeon General. There were frequently alarms going off, blackouts, and other jarring interruptions due to the ongoing construction work. These disruptions made me feel uneasy at work. I found it difficult to focus.

37. It was difficult to return to work in the Pentagon after the September 11th attacks. The memories of “before”, when Patty was there with me, were always at the forefront of my mind. The physical destruction was also a constant reminder of what happened. Years’ worth of work was lost. There was an even greater sense of urgency at the Pentagon after the attacks, and the

pace increased with the war on terrorism. I felt I was always racing, trying to keep up. I also felt tremendously guilty. I was struggling, but how dare I ask for help when I survived and so many others did not get that privilege?

38. Following the attacks, I began to experience recurrent and intrusive recollections of the attack. It felt like I was reliving the attacks over and over. I had a hard time falling and staying asleep. I was hyper-vigilant, anxious, fearful, and developed an exaggerated startle reflex. I found it difficult to concentrate. I was eventually approved for workmen's compensation but never filed any claims because the survivor's guilt was overwhelming.

39. I eventually found a counselor who could meet with me at night so that I did not have to take leave from work or disclose my absences to my colleagues. I was diagnosed with Post Traumatic Stress Disorder, which I kept to myself. I did not want my family or my coworkers to perceive me as being weak. Attached as **Exhibit D** to this Declaration is a true and correct copy of a letter from Annemarie M. Bezold, L.C.S.W., Coordinator, Grief Program, Facilitator Team Leader, 9/11 Support Groups, dated December 9, 2003, describing my diagnosis to Kenneth Feinberg, then-Special Master of the 9/11 Victim Compensation Fund.

40. I applied to the original 9/11 Victim Compensation Fund ("VCF 1"), Claim Number 212-005418, in 2003 but my claim was denied because I had not reported my injuries within 48 hours of the attacks. The denial felt like a punch in the gut. I unsuccessfully appealed the decision and focused my efforts on moving forward. The 2010 Zadroga Act revised the timeliness requirement and I was eligible to reapply to the "new VCF" (also known as "VCF 2"), but I did not believe I could emotionally withstand another denial.

41. I sought further emotional support services from the Pentagon in 2005 but was told that I was not eligible for therapy sessions because I was a civilian and not a member of the military.

Attached as **Exhibit E** is an email from Joan Barnett, PsyD, a psychologist who helped establish the Pentagon's behavioral health unit in the aftermath of September 11, 2001.

42. To process my grief and to honor those we lost, I got involved with the post-9/11 activities at the Pentagon. This included working with the Pentagon Memorial Fund, the butterfly garden in the center court dedicated to my sister, and the memorial chapel. Preserving the memories of those who were killed in the attacks brought me some comfort, but as a survivor, I was always anxious about offending others in the group. I raised money and tried to support the groups as much as I could without attracting any attention.

43. I am attached to the memorials, but the building itself and the pace of work was wearing me down. I originally planned to retire at my 40-year mark, but recognized my health needed attention. As a result, I retired 7 years earlier than planned. I received the Department of the Army's Meritorious Civil Service Award for my leadership and expertise in the area of military forecasting. Attached as **Exhibit F** to this Declaration is a true and correct copy of the Meritorious Civil Service Award.

44. I did not do many of the things I should have done in the aftermath of the attacks. I should have taken more time to recuperate. I should have seen a doctor immediately and reported all of my symptoms. However, the grief I felt over Patty's death and my own survivor's guilt were all-consuming. I coped by giving all of my attention and energy to my family, my colleagues, and my work.

45. Attached as **Exhibit G** is a true and correct copy of a September 2002 interview I gave to AUSA News about my experience on September 11, 2001.

46. In 2013, I registered with the VCF 2 and obtained a new claim number (VCF0023960). I have not yet submitted a complete application, and no eligibility or award determination has been made.

47. I have not previously been awarded any relief or compensation for my injuries.

48. After all these years, I am still devastated by the events of September 11, 2001. It was the worst, most heartbreaking day of my life. The only silver lining is that I was blessed to meet some very special people who helped me.

49. In addition to the records already referenced herein, attached to this Declaration as **Exhibit H** are true and correct copies of my medical records related to treatment for my causally related injuries incurred during and following the September 11, 2001 terrorist attack on the Pentagon.

I declare UNDER PENALTY OF PERJURY that the foregoing is true and correct.

EXECUTED on this, 10th day of June, 2021.



Katherine Dillaber

Exhibit A

Filed Under Seal

Exhibit B



OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



PERSONNEL AND
READINESS

March 12, 2004

U.S. Department of Justice
Victims Compensation Fund

To Whom it May Concern:

This is to document the whereabouts of Ms. Katherine Dillaber from September 12 through October 11, 2001.

I am the director of the Office of Family Policy at the Office of the Secretary of Defense. My staff and I set up the Pentagon Family Assistance Center (PFAC) at the Sheraton Hotel in Crystal City the afternoon of September 11, 2001 so that it would be available to families of the victims of the Pentagon attack the morning of September 12. One of the first family members to come to the PFAC that morning was Katherine Dillaber who was desperately looking for her sister, Patty Mickley. Katherine told me that she had seen her sister just 10-15 minutes before the plane slammed into the Pentagon. She told me how close they were and how they would see each other every day. She was frantic for information about her sister. She stayed for the family brief that day. When it was established that all injured in the hospital had been identified, it became clear that Katherine's sister was a fatality victim. Katherine came to the PFAC almost every day during the month of operation. She attended the daily briefs and used the resources that were available to the families at the center. She brought other members of her family to the Center including her elderly parents, siblings and other family members. Katherine and her family were, of course, devastated by Patty's death. In addition to losing her sister, Katherine also lost a number of friends and colleagues on September 11, 2001.

I hope that this verification of Katherine Dillaber's whereabouts following the attack on the Pentagon is sufficient information for your purposes. If you have any questions, please call me at 703-614-4083

Sincerely,

Meg Falk

Director, Office of Family Policy
Office of the Under Secretary of Defense



Exhibit C

Filed Under Seal

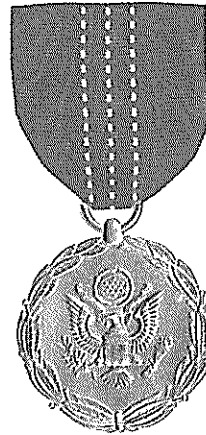
Exhibit D

Filed Under Seal

Exhibit E

Filed Under Seal

Exhibit F



DEPARTMENT OF THE ARMY
MERITORIOUS CIVILIAN SERVICE AWARD

KATHERINE M. DILLABER

HAS RECEIVED OFFICIAL COMMENDATION
FOR MERITORIOUS PERFORMANCE OF DUTY

while serving as a Program Analyst, Strength and Analysis Forecasting Division, Plans and Resources Directorate, Office of the Deputy Chief of Staff, G-1 from February 1985 through October 2010. Ms. Dillaber provided exceptional leadership and demonstrated unquestionable efficiency and technical expertise as an Army functional expert on military forecasting and as the preeminent authority on women in the Army. Her efforts shaped military personnel policies as she helped determine those military occupational specialties open to women. Ms. Dillaber's accomplishments are in keeping with the highest traditions of government service and are a great credit to her; the Office of the Deputy Chief of Staff, G-1; and the Department of the Army.


JOYCE E. MORROW

Administrative Assistant to the Secretary of the Army

Exhibit G

Special Reports

Serving Side By Side

September 2002

When a hijacked commercial airliner crashed into the Pentagon Sept. 11 killing 125 inside, 65 civil servants died in the line of duty. They had been serving along side soldiers, sailors, airmen and marines.

Kathy Dillaber, a Department of Army civilian for over two decades, lost her sister Patty Mickley, a Department of Defense civilian budget analyst on that day.

She had been with her sister only minutes earlier in the Pentagon's outdoor inner courtyard on a clear, crisp September morning.



Kathy Dillaber, left, is shown with her sister Patty Mickley, and Mickley's daughter, Marie.

Mickley's daughter, Marie, had just started her first week of kindergarten, so Mickley wanted to give her older sister some brochures on a class fundraising project.

Dillaber said she gave Mickley a hard time that morning because it was "the first week and they're doing a [fundraiser] already."

She also teased her younger sister about the dress she was wearing.

"She had a beautiful red dress on," Dillaber said. Mickley's knees were showing and she normally didn't wear dresses like that, Dillaber said.

The conversation out in the courtyard was not completely light hearted, however.

Both had seen on television two planes fly into the twin World Trade Center Towers in New York. A plane then flew very low over the courtyard.

Dillaber said, "We both saw on TV what had happened in New York, and we both shared feelings of discomfort. Everybody felt uncomfortable."

"Then I told her not to forget to carry her purse that day. I said: 'You don't know where you're going to be if they ask us to leave for some reason.'"

"I said: 'I'll see ya later on.'"

No more than 15 minutes later Dillaber, a program analyst in the Army's Office of the Deputy Chief of Staff for Personnel, walked out of her office to deliver a form.

She turned to get her purse she forgot when suddenly she was pitched to the ground by debris flying down the hallway into her face.

She thought a bomb had gone off.

"So I got up and [said]: 'I got to get my purse and I got to find Patty,'" Dillaber said. "And I didn't do either."

She tried to walk back in the office, but Sgt. John Frazier, who Dillaber thinks saved her life, grabbed her arm and turned her around.

"He grabbed my arm gently and said: 'No. Let's go,'" she said.

Now out in the Pentagon's south parking lot, Dillaber began to search for her sister outside. She didn't think the attack was close to her sister's part of the building.

"Look for a red dress," she told people who had evacuated the building.

Dillaber asked them to look for a shorter version of herself and "Tell her that Kathy is OK."

Patty Mickley would be identified nine days later on Thursday, Sept. 20.

She left behind her husband Joseph and daughter Marie, two sisters, a brother and both parents.

The next day Dillaber was the first family member to talk with Meg Falk, director, Office of Family Policy, Office of the Under Secretary of Defense for Personnel and Readiness.

Falk led the effort of organizing a family assistance center in a single day - based out of the Sheraton Crystal City Hotel in Arlington, Va.

"My heart just went out to her," Falk said after Dillaber told her about her missing sister.

"She would seek me out whenever she came" to the center, Falk said. "We definitely developed a friendship over time. She's a very remarkable person."

Dillaber said the family assistance center was able to keep victim's families informed of the then ongoing search and recovery efforts. "They were the ones that kept us together."

Under the direction of Army Lt. Gen. John Van Alstyne, deputy assistant secretary of defense for military personnel policy, the center was able to help families cope with their losses.

Dillaber said Van Alstyne helped the families by delivering "honest briefings."

He "just gave us the brutal details. Just the way things were," Dillaber said. "A strong defender of families."

The people at the center were "amazing," Dillaber added. "They'd stop what they were doing to talk with family members, despite the busy schedule."

Falk called the 100-plus staff and volunteers who worked at the center "miracle workers."

"We created a safe haven for the families," particularly with regard to the media, she said. "We were very protective of that."

The staff, under Lt. Gen. John LeMoyne, Army deputy chief of staff for personnel, also came together to support Dillaber.

Dillaber said she received "calls, lot's of calls" from the DCSPER family in the days following the attack. "There is never lack of someone to talk to in DCSPER."

The DCSPER was one of the offices of the Army hardest hit by the attack.

Lt. Gen. Timothy Maude, the DCSPER, and his sergeant major, Larry Strickland, were both killed.

"God got his best pick of Angels that day," Dillaber said.

It will be hard when the military personnel in her office start to transfer to other installations she said. "There's always going to be that special tie there."

Dillaber is one of the few civilians that work in her office run mostly by soldiers.

David Snyder, G-1 for Army civilian personnel policy, said the civilians killed Sept. 11 died doing the same thing they always have: "Supporting the Army."

Forty-seven Department of Army civilians died in the attack on Sept. 11. A few of them had only been on the job for only two days.

"You can't sacrifice more than that," Snyder said.

Falk added that all those lost, both uniformed and civilian, had one thing in common: "Defending this great nation."

Their loss was "a loss to the entire Department of Defense family."

The reason Patty Mickley worked at the Pentagon was because she enjoyed her job and the people she worked with, her older sister said. "That's a big part of it all right there."

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Exhibit H

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